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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,534	09/15/2003	Mutsumi Katayama	031115	8027

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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,534	Applicant(s) KATAYAMA ET AL.	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/9/2007 have been fully considered but they are not persuasive.
2. Regarding the 112 rejection set forth in the previous office action, the applicant asserts that claim 5 is definite and fully supported by the specification in its present form. The examiner asserts that this is not a sufficient response and furthermore the examiner disagrees. Figure 2 is a radio communication device. Element 37 is the electronic device and the electronic device is not conducting radio communication using a Bluetooth standard. The radio communication device is conduction radio communication using a Bluetooth standard. The examiner however has determined that this should have been a claim objection and not a claim rejection.
3. Regarding claim 1, the applicant asserts that the prior art fails to disclose adjusting means that adjusts Dvoj on a higher priority than the Doffset. The examiner has determined, upon further perusal of the specification, that there is no disclosure as to adjusting Dvoj on a higher priority than the Doffset. Thus the claim language is not clear. The examiner is not clear as to what is meant by the claim language. Since the specification fails to provide an interpretation of the higher priority the examiner is maintaining the art rejection and additional 112 rejections are being added.
4. Applicant's arguments, filed 7/9/2007, with respect to claim 3 have been fully considered and are persuasive. The rejection of claim 3 has been withdrawn.

5. Claims 6-11 are withdrawn from consideration.

Specification

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites, "wherein the adjusting means adjusts the Dvoj on a higher priority than the Doffset". There is no proper antecedent basis for the claimed subject matter.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites, "wherein the adjusting means adjusts the Dvoj on a higher priority than the Doffset". It is not clear to the examiner what is meant by higher priority than the Doffset. The specification is not enabling for the claimed subject matter.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187).

Regarding claim 1, Tonella discloses an electronic volume device remotely controlled by a remote controller (Figure 1), the electronic volume device comprising:

means for receiving an i-th common volume level Dcom[i] (i=1 to N) on a common scale of N steps (volume inputted with input 150, Figure 1; column 3, lines 5-9);

means for converting received Dcom[i] into a j-th unique volume level Dvol[j] on a unique scale of M steps (M<N) (volume device, 130; Figure 1; column 3, lines 27-30);
and

means for controlling an attenuation factor based on the Dvol[j], wherein the converting means includes (microprocessor 140, Figure 1; column 3, lines 40-64);

means for storing an offset value Doff set between the Dcom[i] and the Dvol[j] (memory 145; column 4, lines 38-43) ; and

means for adjusting at least one of the Dvol[j] and the Doffset such that the received Dcom[i] agrees with a sum of the Dvol[j] and the Doffset (microprocessor; 140; Figure 1; column 4, lines 56-65).

Tonella fails to disclose wherein the adjusting means adjusts the Dvol[j] on a higher priority than the Doffset (microprocessor; 140; Figure 1).

Hermann discloses adjusting a volume according to a higher priority (column 3, lines 38-47).

It would have been obvious to modify Tonella so that the volume is adjusted according to a higher priority as taught by Hermann so that the sound level can be adjusted according to a user's preference.

Regarding claim 3, Tonella as modified by Hermann discloses wherein when the common volume level Dcom[i] transmitted from the remote controller is a predetermined mute level, a present offset value Doffset is saved and the common volume level Dcom[j] is decreased to a predetermined level.(column 3, lines 4-11 discloses that the input unit 150 enables a user to switch a loudness effect on or off and off would read on mute and decreasing the volume level; column 4, lines 40-66) .

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187) in further view of Turnbull et al. (US 6,980,092).

Regarding claim 2, Tonella as modified by Hermann discloses means for previously transmitting a sum of the unique volume level Dvol[j] and the offset value.

Tonella as modified fails to disclose transmitting to the remote control. Turnbull discloses transmitting to a remote control (column 5, lines 15-19). It would have been obvious to modify Tonella as modified by Hermann to transmit to the remote so that the remote will have the most recent processed data.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187) in further view of Mayuzumi (US 2002/0052182) .

Regarding claim 5 Tonella as modified by Herman discloses a plurality of sources and that one of the sources could be a radio receiver (column 2, lines 41-45). Tonella as modified fails to disclose explicitly wireless transmission complying to a Bluetooth standard. Wireless transmission according to Bluetooth standard is well known in the art as taught by Mayuzumi. Mayuzumi discloses radio communications with the remote controller complying with a Bluetooth standard (pag3, paragraph 0046). It would have been obvious to modify Mayuzumi so that radio communications with remote controller comply with a Bluetooth standard so that a plurality of devices can be easily interconnected and so that the user can have all mobile and fixed devices coordinated.

Claim Objections

13. Claim 5 is objected to because of the following informalities: Claim 5 recites "The electronic volume device as claimed in any one of claims 1 to 4 wherein the electronic volume device conducts radio communications with the remote controller according to a

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communication procedure complying with a Blue tooth standard.” The examiner asserts that the radio communication system conducts radio communication complying with a Bluetooth standard, not the electronic volume device (page 9, lines 10-22; Figures 1 and 2). The examiner has interpreted the claim as the radio communications system conducts radio communication with the remote controller. Appropriate correction is required.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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